Introduction

It is possible to more closely adhere to all five redistricting laws, even when staying within the same overall variant used in the House and Senate preliminary plans instead of the larger variant allowed by the courts. Based on these findings, the deviations from the law in the preliminary plan do not appear to be justified.

One of these laws makes it clear that no splits of political subdivisions are allowed unless leaving them whole creates a district which violates one of the other constitutional requirements of being compact, contiguous, or of equal population.

It reads: “Unless absolutely necessary no county, city, incorporated town, borough, township or ward shall be divided in forming either a senatorial or representative district.”

“Absolutely necessary” and “only a few” are not interchangeable terms. The term “absolutely necessary” means that there is no other recourse available while “only a few” simply means that the quantity is limited.

If the law is being upheld first and foremost by this Commission, then each political subdivision split in the preliminary plan will be found “absolutely necessary” for the purpose of preserving equal population or creating contiguous and compact districts.

My examination of the preliminary plan, however, did not find this to be the case. The following pages present these findings along with a proposed map that illustrates a solution to these issues.
Remarks

Thank you for the opportunity to testify today and for the time and efforts you are investing in this redistricting process.

In looking at the proposed maps and listening to their presentation on Oct. 31, it appeared and sounded like they were created with the primary goal of protecting as many incumbents as possible (regardless of party affiliation) unless population changes made this impossible and forced a district move.

Fortunately, appearances can be deceiving. So I examined each preliminary plan to see if there was a constitutionally justifiable cause for the proposed district boundaries.

The PA Constitution gives one underlying rule (that no political subdivision be divided in forming a district) with three possible exceptions to that rule – equal population, compactness, and contiguousness. In addition, there are the requirements of the Voting Rights Act to follow.

Senate
The preliminary Senate plan contains 39 districts that include county splits instead of the 21 in the proposal before you. It divides double the number of municipalities and splits 27 wards instead of 4.

Is the higher number of divisions in the preliminary Senate plan justifiable on constitutional grounds?
- Looking at Page 3 of your packet: It is not justified on the grounds of equal population, because both plans have basically the same overall variant.
- Page 7-10: It is not justified on the grounds of compactness, because several districts in the preliminary plan are fragmented or sprawling.
- Page 11: It is not justified on the grounds of the Voting Rights Act, because both plans have the same number of minority-majority districts with the same minority statistics.

House
The preliminary House plan contains 64 districts that include county splits instead of 37. It divides 110 municipalities instead of 27 and 133 wards instead of 37.

Is the higher number of divisions in the preliminary House plan justifiable on constitutional grounds?
- Looking at page 4 of your packet: It is not justified on the grounds of equal population, because both plans have basically the same overall variant.
- Page 13: It is not justified on the grounds of compactness, because several districts in the preliminary plan are fragmented or sprawling.
- Page 14: It is not justified on the grounds of contiguousness, because four districts in the preliminary plan appear to contain portions that are not connected with the rest of the district.
- Page 15-17: It is not justified on the grounds of the Voting Rights Act, because the preliminary plan dilutes minorities by failing to make them the percentage of a district’s population required by law.

The proposed solution before you fulfills each constitutional requirement and abides by the Voting Rights Act while still respecting political subdivision boundaries.

Following these Constitutional rules resulted in a few additional or alternate district moves.
- Looking at Page 12 of your packet: Not one but two Senate districts move from western portion of the state. One went to the Adams/York County area. The other went to the Luzerne/Monroe County area. Also one district from Philadelphia shifted to Chester County.
- Page 18:
  ◊ While four House districts made significant moves, only one came from Allegheny County. The fourth district move came from Beaver County.
  ◊ Lehigh County’s population did not require a new district be moved into the county (portions of 7 districts already cover the county and the population only requires 6). Instead, meeting Constitutional requirements gave the district to the eastern side of Berks County.
  ◊ There were also 3 additional districts that moved to neighboring counties.

Lastly, page 12 and 19-21 show some alternate ways to draw a few districts while still meeting constitutional requirements.

It is this Commission’s sworn duty to uphold the PA Constitution above party loyalty or interests. It is your first duty to support, obey, and defend the Constitution of the United States and the Constitution of this Commonwealth. I appeal to your integrity as individuals and your duty as elected public servants that you remove the personal and party preferences apparently clouding your vision and place an adherence to the Constitution first and foremost in your loyalty regardless of the consequences.

Adherence to the law should not depend on party convenience, partisan benefit, or job security. Instead, fidelity to the law should be the impartial guide and prominent presence self-evident in any approved redistricting plan.
Pennsylvania Senate Redistricting Holt Proposal

City of Pittsburgh

Philadelphia County

District Sizes

**Largest:** 258,354 (vs. 258,927)
**Smallest:** 249,882 (vs 249,205)
**Difference:** 8,472 (vs 9,722)
**Average:** 254,048

Percentage Largest/Smallest District is:

**Overall Variant:** 3.39% (was 3.90%)

Boundary Splits

# of splits by...

**County:** 21/67 (vs 28/67)
**Municipality:** 2 (vs 4)
**Ward:** 4 (vs 27)

# of Districts that include splits of...

**Counties:** 21/50 (vs 39/50)
**Municipalities:** 2/50 (vs 7/50)
**Wards:** 5/50 (vs 10/50)

Based on these number comparisons (and the details on subsequent pages), it appears that the political subdivision splits in the preliminary Senate plan are not justified based on legal and constitutional requirements.

**Note:** A list of the specific cities, boroughs, and townships used within each county and district is available upon request. It was too lengthy to include in this summary.
Based on these number comparisons (and the details on subsequent pages), it appears that the political subdivision splits in the preliminary House plan are not justified based on legal and constitutional requirements.

A list of the specific cities, boroughs, and townships used within each county and district is available upon request. It was too lengthy to include in this summary.
Compact: Senate

Several Senate districts are not compact in the obvious sense of the word, especially when compared side by side with what the Holt proposal illustrates to be possible. A sampling of these are below. Based on these findings, the political subdivision splits within most Senate districts are not justified based on the constitutional requirement of compactness.
Compact: Senate (continued)
Minority-Majority Districts: Senate

The Senate minority-majority districts in both plans had basically the same minority population numbers (see charts below, statistics are for all districts containing a portion of Philadelphia).

But in the Holt Plan, the districts were more compact, avoided more ward divisions, and had populations closer to the average district size. The visual comparison (at right) illustrates this.

It is my conclusion that the shape and divisions within each district are not justified based on the requirements of the Voting Rights Act.

Voting Age Population in Preliminary Proposal

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Voting Age Population in Holt Proposal

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<td>2.3%</td>
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<td>2.3%</td>
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</tr>
</tbody>
</table>

Term

Minority-Majority District, as defined by Federal Law, is when a minority can compose a 50% plus 1 of the over 18 population within one district. See Bartlett v. Strickland, 129 S.Ct. 1231 (2009).
Pennsylvania Senate Redistricting Proposal

District Moves

From Western PA
Both proposals (the preliminary and Holt) found it necessary to move district #45 from Allegheny.

The Holt proposal also found it necessary to merge #21 and #25 into one district, leaving one unassigned district number (because of a combination of constitutional considerations).

From Eastern PA
Because of a combination of constitutional considerations, Philadelphia went from 7 to 6 districts, moving district #1 out of Philadelphia.

In the Oct 31 meeting, it was mentioned that some on the Commission felt that Monroe required the new seat, others felt like Adams-York area required it. Based on my findings, both are correct. Both regions should receive a new district based on constitutional considerations. Both may receive one because of constitutional consideration in Western PA.

To South-Central PA
District #25 moves to Adams/York area.

To Eastern PA
District #45 moves to Luzerne/Monroe area. The specific county depends on how numbers are assigned. Constitutional considerations created some district shifts in the area. #14 and #45 are assigned to the Luzerne district and the Carbon/Monroe/Luzerne district. A case may be made for each region getting either district number.

District #1 moved to Chester County, because of an opening created through constitutional considerations.

Alternate District Boundary Options

Northeast Corner
It might be argued that one additional county should be divided (to avoid a three-way division of Luzerne) and to create populations closer to the average.

Below is an illustration of what this might look like:
Compact: House

Numerous House districts are not compact in the obvious sense of the word, especially when compared side by side with what the Holt proposal illustrates to be possible. A sampling of these are below. Based on these findings, the political subdivision splits within most House districts are not justified based on the constitutional requirement of compactness.
Contiguous: House

Three House districts appeared to contain non-contiguous portions in the preliminary proposal. These portions should be made contiguous.

Preliminary Proposal — #125

Holt Proposal — #125

Preliminary Proposal — #128

Holt Proposal — #128

Preliminary Proposal — #43 / #97

Holt Proposal — #43 / #97

still non-contiguous. according to census, no one lives on that square, but if an issue, label non-contiguous square H97 and place with district #97.
Minority-Majority Districts: House

Allentown, Lehigh County

The following illustrations show that a higher minority presence than what the Commission found possible can be reached in Allentown by following the traditional redistricting principle of keeping Wards whole.

In the corner of each version is the percentage of the over 18 population which is in the Hispanic minority.

The minority district is colored blue and shown in its entirety. Only the portion of #132 (colored green) in Allentown is shown.
Minority-Majority Districts: House

Several House districts failed to meet the minority-majority requirements of the 2009 judicial ruling (see definition of term at right). The numbers that fell short are marked in yellow or pink on the chart below.

The Preliminary Proposal failed to create minority-majority districts in 5 instances where the Holt proposal found it possible (often by simply following other traditional redistricting principles). The dilution of minorities is in violation of the Voting Rights Act and should be corrected.

Neither plan found it possible to reach the minimum requirements for a minority-majority district in #103, #159, or in east Delaware (Preliminary #164, Holt #161).

In these areas, then, any dividing of political subdivisions is not justified on the grounds of adhering to the Voting Rights Act.

Voting Age Population in Preliminary Proposal

| #19 | #24 | #103 | #127 | #159 | #164 | #191 | #180 | #179 | #185 | #186 | #188 | #192 | #190 | #181 | #195 | #197 | #198 | #200 | #201 | #203 |
|-----|-----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| White | 48.1% | 33.4% | 39.2% | 40.7% | 42.0% | 42.0% | 33.6% | 6.2% | 18.2% | 30.0% | 41.3% | 30.0% | 36.3% | 11.8% | 12.4% | 36.3% | 18.6% | 4.9% | 20.5% | 19.3% | 8.5% | 6.6% |
| Black | 46.0% | 60.2% | 41.2% | 9.5% | 11.0% | 49.2% | 44.8% | 85.4% | 18.7% | 38.9% | 50.4% | 51.2% | 42.2% | 82.5% | 79.2% | 46.9% | 74.1% | 36.6% | 73.2% | 75.0% | 69.9% | 77.6% |
| Hispanic | 2.2% | 1.7% | 13.8% | 47.2% | 43.4% | 5.8% | 5.2% | 58.1% | 20.8% | 2.4% | 5.4% | 3.9% | 2.2% | 2.3% | 11.3% | 2.9% | 54.2% | 2.6% | 2.3% | 12.4% | 7.6% |
| Asian | 1.5% | 2.3% | 3.2% | 1.2% | 2.0% | 1.2% | 14.0% | 4.1% | 3.8% | 7.7% | 4.1% | 11.2% | 14.5% | 1.3% | 3.7% | 3.5% | 2.4% | 3.1% | 1.7% | 1.2% | 7.1% | 5.8% |
| Other | 2.1% | 2.4% | 2.5% | 1.4% | 1.6% | 1.7% | 2.5% | 2.0% | 1.2% | 2.6% | 1.8% | 2.2% | 3.2% | 2.2% | 2.4% | 2.0% | 2.0% | 1.2% | 2.1% | 2.3% | 2.1% | 2.4% |

Voting Age Population in Holt Proposal

| #19 | #24 | #103 | #127 | #133 | #159 | #161 | #191 | #180 | #197 | #185 | #186 | #188 | #164 | #190 | #192 | #195 | #197 | #198 | #200 | #201 | #203 |
|-----|-----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| White | 42.9% | 44.4% | 37.2% | 35.4% | 34.5% | 45.8% | 45.4% | 20.7% | 19.8% | 6.3% | 37.2% | 28.1% | 21.4% | 27.4% | 21.5% | 13.3% | 10.8% | 8.8% | 35.6% | 9.9% | 21.2% |
| Black | 50.0% | 50.7% | 43.4% | 10.6% | 11.7% | 46.1% | 49.1% | 62.1% | 23.5% | 51.3% | 51.6% | 51.4% | 68.0% | 62.7% | 71.3% | 79.8% | 34.2% | 85.2% | 55.2% | 84.8% | 49.5% |
| Hispanic | 2.0% | 1.3% | 13.2% | 51.1% | 50.3% | 5.4% | 2.1% | 4.3% | 51.1% | 32.1% | 2.8% | 6.2% | 2.7% | 3.0% | 3.4% | 2.3% | 3.0% | 50.8% | 2.6% | 2.6% | 2.3% | 15.0% |
| Asian | 2.9% | 1.4% | 3.6% | 1.4% | 1.7% | 1.2% | 1.5% | 10.5% | 4.3% | 8.4% | 6.7% | 12.7% | 5.3% | 2.0% | 12.6% | 2.9% | 1.9% | 2.8% | 1.3% | 4.6% | 0.8% | 12.2% |
| Other | 2.1% | 2.3% | 2.6% | 1.5% | 1.9% | 1.6% | 1.9% | 2.4% | 1.3% | 1.8% | 1.7% | 2.5% | 2.5% | 1.9% | 2.9% | 2.1% | 2.0% | 1.4% | 2.1% | 1.8% | 2.1% | 2.2% |
Minority-Majority Districts: House

Philadelphia

It is possible to have 16 minority districts in Philadelphia. Two seemed to place a higher priority on minority considerations vs. other traditional principles than what the Courts consider preferable, so were not used. The one (#194) has no minority presence in the Holt Proposal. The other (#203) was left with a 49.5% minority presence (just shy of the letter of the law requirement).

The side by side illustrations below show two versions of the Philadelphia map — the one used in the Holt Proposal and the alternate that makes #194 a minority district (around Ward 21 and 22).

Note that many of these districts are more compact than the districts proposed in the preliminary plan.
Pennsylvania House Redistricting Proposal
District Moves

From Western PA
The Preliminary Proposal found it necessary to move district #5 from Crawford as well as #22 and #45 from Allegheny County. The Holt Plan found it necessary to move only one district from Allegheny. The other district came from Beaver County (#10).

This is because in the preliminary proposal, 7 districts span two counties (Allegheny and another) while in the Holt proposal only 1 district spans two counties allowing the other districts to remain all within only one county. The consolidated span is between Beaver County and Allegheny, which resulted in one district being moved from Beaver County and one from Allegheny County.

It also was necessary to shift several districts within the county to meet compact or whole political subdivision requirements. In two cases (#64 and #72), this moved said districts to nearby counties (from Venango/Butler to just Butler and from Cambria to Fulton/Franklin).

From Philadelphia PA
The Preliminary Proposal and Holt proposal agree on moving district #169.

It also was necessary to shift several districts within the county to meet compact or whole political subdivision requirements. In one instance (#116), this caused a district move from Luzerne to Monroe.

To Eastern PA
The Preliminary Proposal moved district #22 to Lehigh County. This was not necessary. The population in Lehigh County necessitates it have 5 complete House districts and part of a 6th district. It currently (2001) has a presence in 7 districts. This means that one district (likely #135) should have no portion within Lehigh County and another district already within Lehigh County should be moved into Allentown.

Instead of Lehigh County, #22 should move to Berks County. Presently (2001), the eastern portion of Berks includes portions of 3 different districts (#124, #134, and #187). The fragments of these districts in Berks should be eliminated and those three fragments combined into one new district.

The Preliminary Proposal and Holt plan both moved district #169 to York and #10/#45 to Chester. District #5 moved to roughly the same Berks County area (in the Holt plan it also catches population overflow from Lancaster and Lebanon).
Pennsylvania House Redistricting Proposal
Alternate District Boundary Options

**Clinton — Centre — Huntingdon**

It might be argued that one municipality should be divided to create more compact districts with populations closer to the average. Below is an illustration of what this might look like:

**Mercer — Butler — Venango**

It might be argued that Venango, as a smaller county, should be left whole and Mercer and Butler should each be divided one more time instead. Below is an illustration of what this might look like:

**Philadelphia**

Instead of Ward 2 being split three ways, it might be split only once. This would cause Ward 26 and 39 to each be split once. Below is an illustration of what this might look like:

**Philadelphia & Delaware County**

Instead of Ward 3 in Philadelphia being split, District 7 in Upper Darby might be divided. At right is an illustration of what this might look like:
Allegheny County

For the sake of more compact districts, it may justify splitting Plum Twp. and a ward in Penn Hills. The adjusted districts are colored Green, Pink, and Red. (see illustration at right)

Used in Holt Proposal

Alternate
Pennsylvania House Redistricting Proposal
Alternate District Boundary Options continued

Lehigh - Northampton - Monroe Counties

It shows two more options for making a district already within Lehigh County a minority advantage district. (In the Holt Proposal this is the 133rd District.)

Both alternates divide Allentown three ways, instead of reducing it to two (as was done in the main map). Allentown is presently (2001) divided between three districts. The alternate plans both keep Upper Nazarath whole (it was divided in the orginal submission).

Alternate A makes #132 the minority advantage district (over 18 population 44.5% hispanic vs. 41.4% white). It keeps the 132nd completely within Allentown, as it has been in the past. It splits one Allentown Ward (#11) and one township (Salisbury).

Alternate B makes #134 the minority advantage district (over 18 population 46.1% hispanic vs. 40.1% white). This is a bigger district shift when compared with the present (2001) configuration. It divides no Allentown Wards but does split one township (Lower Macungie).